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REPLY TO Wilmington Office

December 5, 2006

BY ELECTRONIC FILING

The Honorable Gregory M. Sleet
United States District Court
for the District of Delaware
844 N. King Street
Wilmington, Delaware 19801

Re: *Dyson Tech. Ltd. et al. v. Maytag Corp.*, Civ. Nos. 05-434-GMS and 06-654-GMS

Dear Judge Sleet:

In anticipation of the discovery teleconference scheduled for December 7, 2006, at 11 a.m. EST, the parties jointly submit the below items to be presented to the Court. The parties respectfully suggest that they alternate presentation of their issues at the teleconference.

- A. Defendant/Counterclaimant's Issues (issues relate to Case 05-434-GMS unless otherwise indicated)
1. Plaintiffs' Failure to Produce Documents on the Following Topics as Requested in Defendant's Requests for the Production of Documents:
 - a. Documents in the Control or Custody of James Dyson
 - b. Illegible or Incomplete Consumer Complaint Documents
 - c. Communications with Third Parties, Including but not Limited to Documents Relating to Sears, Roebuck and Co. Sales Today Magazine and Best Buy's Toolkit Internal Web Site
 - d. Communications with Third Parties, Including but not Limited to Communications with Sears Regarding Sears' Disbelief of the Validity of Any of Plaintiffs' Advertising Claims
 - e. Documents that Dyson had Unilaterally Redacted
 - f. Plaintiffs' Ownership and Control
 - g. Plaintiffs' Audited Financials
 - h. Plaintiffs' Prior False Advertising Disputes in the U.S. and Elsewhere

- i. Data Relating to the Return, Repair, Replacement or Refurbishing of Plaintiffs' Vacuums
- j. Home-use and Field Testing of Plaintiffs' Vacuums
- k. Plaintiffs' Vacuum Cleaners in Development
- l. Floor Surfaces Consumers Buy Vacuums to Clean
- m. Plaintiffs' Guidelines for Interaction with Advertising, Marketing and Public Relations Firms
- n. Internal Correspondence Regarding Document Retention in Anticipation of this Litigation
2. Plaintiffs' Failure to Respond to Defendant's Second Set of Interrogatories
3. Extension of Deadline for Serving Experts' Reports to Thirty Days After Completion of Final Fact-Witness Deposition
5. Hearing Date for Defendant's Motion for Temporary Restraining Order and Preliminary Injunction
6. Discovery and Briefing Schedule for Plaintiff's Motion for a Preliminary Injunction in Case No. 06-654-GMS

B. Plaintiff/Counterclaim Defendant's Issues:

1. Discovery Relating to Maytag's No Loss of Suction Claim
2. Scope of Waiver of Attorney-Client Privilege in Defense of Willful Infringement
3. Documents Relating to Financials; Customer Repairs; and Testing
4. Deposition Conduct of Counsel for Maytag
5. Dyson's Amended 30(b)(6) Notice
6. Issuance of a Third-party Document Subpoena after the Close of Written Discovery
7. Defendant's Interrogatory Responses.

Respectfully submitted,



Francis DiGiovanni

cc: Clerk of the Court (by electronic filing)
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